

AGREEMENT FOR COORDINATION ON CALIFORNIA BAY/DELTA ISSUES

Background

The United States Department of the Interior's Fish and Wildlife Service (USFWS) and Bureau of Reclamation (USBR), the Department of Commerce's National Marine Fisheries Service (NMFS), and the Environmental Protection Agency (EPA) have statutory responsibilities involving the fish, wildlife and water resources in California. One area of continuing interest and activity by these four agencies is the San Francisco Bay/Sacramento-San Joaquin River Delta (Bay/Delta). Agency responsibilities in the Bay/Delta include, but are not limited to:

- Conducting consultations and conferences under the Federal Endangered Species Act;
- Reviewing proposals for listings of additional species, developing recovery plans, and designating critical habitat under the Endangered Species Act;
- Reviewing State water quality standards and, when necessary, promulgating Federal water quality standards under the Clean Water Act;
- Reviewing water development project proposals under the Fish and Wildlife Coordination Act, the National Environmental Policy Act, Section 404 of the Clean Water Act, and the Rivers and Harbors Act;
- Implementing the provisions of the Central Valley Project Improvement Act; and
- Operating the Federal Central Valley Project.

To ensure a comprehensive and coordinated approach to the implementation of these various statutory obligations in the Bay/Delta, USFWS, NMFS, USBR and EPA have been closely coordinating their efforts and actions. This coordination has taken many forms, including:



- Since 1990, EPA and USBR have been holding Quarterly Management Meetings with staff and management to discuss a wide range of issues involving the agencies in California.
- Since 1991, USFWS, NMFS, and EPA have been holding Quarterly Management Meetings where staff and management discuss a wide range of issues involving the agencies in California.
- On June 15, 1992, USFWS, NMFS, and EPA signed an Interagency Statement of Principles outlining a broad joint approach to addressing the Bay/Delta. This statement, which was submitted to the California State Water Resources Control Board (SWRCB) during the SWRCB's hearings on Interim Measures for the Bay/Delta, recommended that the SWRCB adopt an integrated ecosystem approach to managing the Bay/Delta estuary. It further recommended that the SWRCB adopt an interim goal of restoring the estuary's habitat conditions to those existing during the late 1960's and early 1970's, the period before the most recent serious decline in the estuary's fisheries resources.
- On October 9, 1992, the USFWS, NMFS, and EPA transmitted a joint letter to USBR, the California Department of Water Resources, and the U.S. Army Corps of Engineers. The purpose of this letter was to establish consistent and uniform guidelines for describing baseline conditions for use by USFWS, NMFS, EPA and the water development agencies in planning and reviewing proposed water development projects under the Endangered Species Act, the National Environmental Policy Act, and the Fish and Wildlife Coordination Act. By letter dated June 9, 1993, USBR explained to USFWS, NMFS and EPA how it would apply the guidelines.
- On May 12, 1993, the USFWS, NMFS, and EPA signed an Agreement for Coordination on California Bay/Delta Issues. This Agreement reaffirmed those agencies' support for the Interagency Statement of Principles and established a Bay/Delta Coordinating Committee to coordinate those agencies' respective actions in the Bay/Delta.
- Under the leadership of USBR and USFWS, NMFS and EPA have been actively participating as cooperating agencies in the development of the programmatic environmental impact statement called for in the Central Valley Project Improvement Act.



Agreement

In recognition of the complex ecological relationships and difficult resource management issues associated with the Bay/Delta, and to further improve the coordination efforts that have already been made by the four agencies, USFWS, NMFS, USBR and EPA hereby agree as follows:

First, we reaffirm our commitment to a comprehensive, ecosystem-based approach to the Bay/Delta estuary. We further believe that the standards and implementation measures developed by the four agencies must be justified by the best available scientific evidence, and that these standards and implementation measures are essential to begin the restoration of the Bay/Delta ecosystem.

Second, we reaffirm our commitment to work closely with all involved agencies of the State of California and the Federal government so that, to the greatest extent possible, our implementation of Federal law in the Bay/Delta estuary complements the State's role in allocating water resources and the State's continuing efforts to preserve, protect, and enhance the natural resources of the estuary.

Third, we affirm our commitment to coordinate on the activities of the USFWS's Bay and Estuary Program and the San Francisco Estuary Project so as to facilitate recovery of habitat and species in an ecosystem-based manner. This coordination should assist in reducing the need for adding species to the Federal endangered and threatened species list.

Fourth, we reaffirm our commitment to cooperate on the development of the programmatic environmental impact statement called for in the Central Valley Project Improvement Act, and to coordinate our agencies' efforts to implement the provisions of that Act.

Fifth, we hereby expand the Bay/Delta Coordinating Committee to consist of representatives from each of the four agencies. The Coordinating Committee will operate as the Federal Ecosystem Directorate (FED) to coordinate our agencies' respective actions and efforts in the Bay/Delta, so that, to the greatest extent possible under



the agencies' statutory authorities; the comprehensive, ecosystem-based approach is achieved. The FED will meet as required to perform its function.

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